

REMARKS

At the outset, Claim 40-43 have been copied from Claims 1, 7, 8 and 9 of U.S. Patent No. 6,347,885, as reexamined in reexamination serial no. 90/007,204¹, for the purpose of provoking an interference. **37 C.F.R. §41.202(a)(1)**

It is respectfully submitted that no prior art rejections can be asserted against the present claims which are inconsistent with the reexamination of U.S. Patent No. 6,347,885.

Claims 1, 7, 8 and 9 of U.S. Patent No. 6,347,885, as reexamined, interfere with Claims 40-43 of the application. The single Count should be Claim 1 of U.S. Patent No. 6,347,885, as reexamined. Claim 40 of the present application corresponds to this proposed count as it is a copy thereof. Claims 41-43 depend from this Claim 40 and therefore likewise correspond to the proposed count. **37 C.F.R. §41.202(a)(2)**

It is respectfully submitted that, as the proposed count; Claim 1 of U.S. Patent No. 6,347,885, as reexamined; and Claim 40 of the present application are identical, that the requirements of **37 C.F.R. §41.202(a)(3)** are met.

The present application has an effective U.S. filing date at least as early as April 15, 1999 and foreign priority at least as early as April 20, 1998 whereas U.S. Patent No. 6,347,885 has a priority date no earlier than January 18, 2000. It is respectfully submitted that this meets the requirements of **37 C.F.R. §41.202(a)(4)**.

¹ As of March 8, 2007, PAIR gives a status for this reexamination of "Reexam Terminated – In Publications for Issue of a Certificate".

The claims are supported by the present specification, including drawings, as follows:

New Claims 40-43	Support in specification and drawings
40. A flexible, reclosable package comprising:	The bag 30 illustrated in Figure 25 and described from page 16, last line to page 17, line 7.
(a) first and second panel sections defining an interior;	The bag 30 illustrated in Figure 25 has first and second panel sections defining an interior.
(b) a zipper closure sealed to each of first and second panel sections along a top edge, the zipper closure extending from a first side edge to a second side edge and comprising first and second mating profiles;	Profiles 10, 12 of Figure 25.
(c) a slider device constructed and arranged for mounting on the zipper closure and for interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and disengaging the first mating profile from the second mating profile when the slider device is moved in a second opposite direction; the slider device being operably mounted on the zipper closure; and	Slider 9 of Figure 25.
(d) a first tamper-evident structure disposed at the top edge and encasing a first portion of the zipper closure, wherein when seal, the tamper-evident structure has an opening exposing the slider device,	The film extension 126 of Figure 25 forms a tamper-evident structure on the top edge of bag 30 which encases a first portion of the zipper closure formed by profiles 10, 12. Leftmost side-cut 122 forms an opening which exposes slider 9.
and wherein the opening is defined by the tamper-evident structure.	Left-most side-cut 122 of Figure 25 forms an opening which provides access to slider 9 and is defined by the film extension 126. It is noted that col. 3, lines 60-63 of U.S. Patent No. 6,347,885 (from which this claim was copied) states that “entirely defined” means “totally surrounded”. Therefore, it follows that “defined” (as distinct from “entirely defined”) encompasses “partially surrounded” (as distinct from “totally surrounded”). Further, this position is supported by the language of this claim regarding first and second panel sections <i>defining</i> an “interior” in that the interior is not “totally surrounded” by the panels when a mouth is formed in the package.

41. The package according to claim 40, wherein:	See claim 40 above.
(a) the slider device is positioned within the opening of the first tamper-evident structure.	Left-most side-cut 122 of Figure 25 forms an opening in film extension 126 in which slider 9 is positioned.
42. The package according to claim 40, further comprising:	See claim 40 above.
(a) an area of weakness extending along the first tamper-evident structure.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form an "area of weakness".
43. The package according to claim 42, wherein:	See claim 42 above.
(a) the area of weakness is a perforation line.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form a "perforation line".

It is respectfully submitted that this chart meets the requirements of **37 C.F.R.**

§41.202(a)(5). This chart likewise establishes constructive reduction to practice under **37 C.F.R.**

§41.202(a)(6). However, the Applicant reserves the right to establish an earlier actual or constructive reduction to practice.

The Applicant respectfully requests the declaration of an interference between the presently pending claims in the instant application and U.S. Patent No. 6,347,885, as reexamined.

The Commissioner is authorized to charge any necessary fees to Deposit Account No. 50-1145, Order No. 500769.106073.

Respectfully submitted,



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